

BILL ANALYSIS

C.S.H.B. 3337
By: Johnson, Julie
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Healthy Texas Women program was launched in July 2016 and offers women's health services and family planning at no cost to eligible women. Concerns have been raised regarding program operations and the number of women served by the program. C.S.H.B. 3337 seeks to address these concerns by requiring the Health and Human Services Commission to develop a survey for Healthy Texas Women program enrollees in order to solicit information on how to improve the program.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 3337 amends the Government Code to require the Health and Human Services Commission (HHSC) to develop a survey for women enrolled in the Healthy Texas Women program to solicit information for improving the operation of the program. The bill requires HHSC to seek comments from interested persons in developing the survey and sets out the information the survey may solicit. The bill requires HHSC to include in each provider cost reimbursement contract in the program provisions that require the provider to distribute the survey to a woman on the woman's first visit to the provider after enrollment in the program and to return the completed survey to HHSC. The bill prohibits HHSC from taking any enforcement action against a provider who is unable to comply with those contract provisions.

C.S.H.B. 3337 requires HHSC to compile the information obtained from the survey and use the information to improve the program's operation. The bill requires HHSC, not later than December 1 of each even-numbered year, to prepare and submit a written report that includes the compiled information and recommendations for improving the program's operation to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over health and human services issues.

C.S.H.B. 3337 makes any personally identifying information in a patient's medical records acquired by HHSC through the survey confidential and exempt from disclosure under state public information law. The bill requires the executive commissioner of HHSC, not later than September 1, 2020, to develop the survey and adopt rules to ensure that the use of any health information as part of the survey complies with all state and federal laws relating to the privacy,

protection, confidentiality, and transmission of health information, including the federal Health Insurance Portability and Accountability Act of 1996 and rules adopted under that act.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3337 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a requirement for HHSC to seek comments from interested persons in developing the survey.

The substitute does not include a requirement for HHSC to send the survey to health care providers participating in the program who then provide the survey to a woman on her first provider visit after program enrollment and return the completed survey to HHSC. The substitute requires HHSC instead to include in each provider cost reimbursement contract in the program provisions that require the provider to distribute and return the survey in that manner. The substitute includes a prohibition against HHSC enforcement action against a provider who is unable to comply with those contract provisions.

The substitute includes a requirement for HHSC to prepare and submit a biennial written report that includes survey information and program improvement recommendations.

The substitute changes the deadline for developing the survey and adopting the applicable rules from January 1, 2020, to September 1, 2020.